MT LEGISLATIVE HISTORY

Chapter 375 19 75

Bill H 434 S _____ Original bill & hist. ___C

H. Committee on Pub H, W, S

Hearing Date(s) 2-20 ___C

_____ ___C

_____ ___C

_____ ___C

Date Out 2-20 ___C

S. Committee on Pub H, W, S.

Hearing Date(s) 3/19 ___C

_____ ___C

_____ ___C

3-22 ___C

3-22 ___C

BEST COPY AVAILABLE

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

House BILL NO. 434

INTRODUCED BY Log Elk

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 71-308, R.C.M. 1947, AUTHORIZING THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO PROMULGATE RULES GOVERNING MEDICAL AID AND HOSPITALIZATION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 71-308, R.C.M. 1947, is amended to read as follows:

"71-308. Medical aid and hospitalization. (1) Medical aid and hospitalization for nonresidents within the county and county residents unable to provide such necessities for themselves are the legal and financial duty and responsibility of the board of county commissioners, except as otherwise provided in other parts of this act, payable from the county poor fund. The board of county commissioners shall make provisions for competent and skilled medical or surgical services as approved by the department of health and environmental sciences or the state medical association, or in the case of osteopathic practitioners by the state osteopatnic association or chiropractors by the state chiropractic association, or optometrical services as approved by the Montana optometric association, and dental

services as approved by the Montana optometric association, and dental services as approved by the dental association. "Medical" or "medicine" as used in this act refers to the healing art as practiced by licensed practitioners.

(2) The board, in arranging for medical care for those unable to provide it for themselves, may have the care provided by the physicians appointed by the board who shall be known as county physicians or deputy county physicians, and may fix a rate of compensation for the furnishing of the medical attendance.

(3) The board of county commissioners shall make suitable arrangements to provide respectable burial for nonresidents within the county and county residents for whom such expenses are not otherwise available.

(4) The department of social and rehabilitation services may promulgate rules to determine under what circumstances persons in the county are unable to provide medical aid and hospitalization for themselves, including the power to define the term "medically needy". Provided, however, such definition may not allow payment by a county for general assistance-medical for persons whose income exceeds three hundred percent (300%) of the limitation for obtaining regular county general assistance.

(5) In any case where the county or state pays medical expenses or hospitalization for an individual, the county or

HB434

state is subrogated to the claims of the physician or hospital to the extent of payment."

-End-

PUBLIC HEALTH, WELFARE
AND SAFETY COMMITTEE

44th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
385	Chage requirements for a psychologist license prior to 1/1/76.	1/28	Menahan Brand	2/15 2/19	AS AMENDED DO NOT PASS	2/19
386	Allow board of cosmetologists to regulate & license practice of electrology and where they practice.	1/28	Menahan	2/13	DO PASS	2/13
387	Prevent unauthorized persons from practicing optometry.	1/28	Rasmussen	2/25	TABLE INDEFINITELY	
414	Relate to problem pregnancy counseling, coordinate training.	1/28	Holmes Rasmussen	2/18 2/19	DO PASS	2/19
434	Authorize SRS to promulgate rules governing medical aid & hospitalization.	1/28	Toll [illegible] Ellis	2/20	DO PASS AS AMENDED	2/20
463	Providing interpreters for deaf persons in legal proceedings.	1/29	Jacobsen	2/18	AS AMENDED DO PASS	2/18

HB 434--SPONSOR: Earl Lory, district 99, said this bill would allow the Dept. of S.R.S. to promulgate rules governing medical aid and hospitalization, not to exceed three times the amount they receive for county help, which would be about $10,000. Proponent Harold Dye, Missoula County Attorney, said that this was just a housekeeping bill. Rules are determined on a case by case basis, with certainty having first preference, as to whether a person is qualified. He felt there should be regulations from the Dept. of S.R.S. as to who is medically indigent. Dick Ostergren, Missoula County Commissioner, said this bill would protect the taxpayers, by placing stringent rules for application for aid. Rod Gudgel, MT Nursing Home Assn., requested an amendment to include long-term care or nursing homes. Dean Zinnecker, MT Assn of Counties, said that all the counties were in support of the bill. W.V. Thibodeau, Missoula, said this would plug the loopholes in the present law.

HB 445--SPONSOR: Geraldine Travis, district 43, introduced Jim Pomroy, Dept. of S.R.S., who said that this was an interstate compact for the placement of children out-of-the state, improving the protection of the children by requiring pre-placement investigation of the home. This bill would extend the Dept's jurisdiction to any state the child is placed in, and mandates that the receiving agency be responsible for the child. Pomroy said that there would be no cost factor under the bill, but would save money, as it provides a reasonably stable placement of the child and states that the receiving state must take over payments (see exhibit X). John Lombardo, Helena, submitted exhibit XI in support of the bill. James Flanagan, Catholic Charities of MT, Inc., said this would clarify the continuing responsibility and jurisdiction of the relationships between the several agencies (see exhibit XII). Rep. Travis submitted a fact sheet of the interstate compact of the placement of children from other states (exhibit XIII).

Under discussion, Herlevi asked why they would place children out-of-state, and Pomroy replied that sometimes they have "hard-to-place children", and do not have homes available in the state. When a child is received into a state, that child is registered, so that if a breakdown occurs, they can find the responsible party. Lynch commented that since Twin Bridges may be closing their facilities, they may need this type of service. Travis said that military families often bring in adopted children, and this allows the papers to be completed.

HB 360--SPONSOR: John Murphy, district 47, said that this bill changes the licensing requirements for podiatrists, and also the number of required school years. The reason for the change in the school years, is that there is a national exam available that a student may qualify under. Ed Carney, Board of Podiatry, submitted exhibit XIV in support.

There being no further testimony, the committee went into executive discussion.

HB 360--LYNCH MOVED HB 360 DO PASS, SECONDED BY HERLEVI. MOTION CARRIED UNANIMOUSLY.

HB 434--LYNCH MOVED TO AMEND PAGE 1, LINE 25, AND PAGE 2, LINE 1, BY STRIKING ", and dental services as approved by the Montana Optometric association" AND AS SO AMENDED DO PASS, SECONDED BY HARPER. MOTION CARRIED WITH ALL IN FAVOR EXCEPT PALMER OPPOSED.

HB 445--LYNCH MOVED HB 445 DO PASS, SECONDED BY McFADDEN. MOTION CARRIED WITH ALL IN FAVOR EXCEPT FOR BABCOCK ABSTAINING.

HB 648--LYNCH MOVED TO AMEND HB 648 AS PER STANDING COMMITTEE REPORT, AND AS SO AMENDED DO PASS, SECONDED BY HARPER. MOTIONCCARRIED UNANIMOUSLY.

HB 63--Lynch submitted amendments to his bill (see exhibit I under February 25, 1975 minutes). HARPER MOVED TO AMEND HB 63 AS SUBMITTED BY LYNCH, AND AS SO AMENDED DO PASS. Dussault said that the implications of the bill were too broad, and Lynch commented that they must draw a line on the gov't., on their record-keeping, if the person is not guilty. He said that this has been abused by the Dept. of S.R.S. Holmes suggested that maybe they could make an exception for the centralized file as they were not open to public scrutiny. Dussault said that this central registry was needed, and said that this bill would tend to protect the adult over the child.

HOLMES MOVED A SUBSTITUTE MOTION THAT THE AMENDMENTS SUGGESTED BY PETE SURDOCK, DEPT. OF S.R.S. (see minutes of January 23, 1975) DO PASS. MOTION FAILED WITH A TIE VOTE.

LYNCH MOVED A SUBSTITUTE MOTION THAT THE BILL BE REFERRED TO THE BLOOR WITHOUT RECOMMENDATION AS AMENDED, SECONDED BY HARPER. MOTION FAILED WITH TIE VOTE.

The committee recommended to hold this bill in committee until a compromise could be worked out.

HB 353--DUSSAULT MOVED HB 353 DO PASS, MOTION CARRIED UNANIMOUSLY.

HB 129--MURPHY MOVED HB 129 AS AMENDED DO NOT PASS (see exhibit XV), SECONDED BY LESTER. MOTION CARRIED WITH ALL IN FAVOR EXCEPT DUSSAULT AND MENAHAN OPPOSED.

There being no further business, the meeting was adjourned to reconvene February 22, 1975.

William Menahan
WILLIAM MENAHAN, Chairman

Gloria Wong
Gloria Wong, Secretary

44th LEGISLATIVE SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

House BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
357	2-18-75	3-6.	3-6-75				3-6-75		
360	2-25-75	3-6-75	3-6-75				3-6-75		
370	2- 27-75	3-20-75	3-25-75					3-25-75	
386	2-18-75	3-11	3-11-75				3-11-75		
414	2-26-75	3-18-75	3-18-75						3-18-75
434	2-25-75	3-18-75	3-22-75					3-22-75	
445	2-25-75	3-19-75	3-22-75				3-22-75		
446	3-4-75	3-11-75	3-11-75					3-11-75	
460	3-4-75	3-20-75	3-22-75					3-22-75	
504	3-4-75	3-13-75	3-13-75				3-13-75		
509	2-27-75	3-13-75	3-13-75				3-13-75		
517	2-26-75	3-19-75	3-25-75				3-25-75		
519	3-4-75	3-20-75	3-22-75					3-22-75	
592	2-27-75	3-20-75	3-22-75						3-22-75
671	3-4-75	3-19-75	3-25-75				3-25-75		

Separate sheet for Senate House Bills and Resolutions

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

March 19, 1975

The twenty-fifth meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Norman on the above date in Room 405 of the State Capitol Building at approximately 11:00 a.m.

ROLL CALL: All members were present except Senators Colberg and Seibel.

CONSIDERATION OF HOUSE BILL NO. 434: An act to authorize the Department of Social and Rehabilitation Services to promulgate rules governing medical aid and hospitilization.

Representative Lory presented this bill at the request of the SRS.

There were no opponents testifying.

Senator Himsl questioned why the dental services was stricken in an amendment by the House in line 25 on page 1 and line 1 on page 2. This was evidently done more or less at the request of the Missoula County Commissioners. No satisfactory reason was given.

CONSIDERATION OF HOUSE BILL 517: Representative Sam Wolfe was sponsor of this bill to provide for the licensing and regulation of home health agencies in Montana by the Department of Health and Environmental Sciences; provide a definition of home health agencies; and provide a license fee for home health agencies."

Representative Wolfe gave a brief history of it to the committee.

Jacqueline McKnight, Chief of the Bureau of Licensing and Certification of the Hospital and Medical Facilities Division of the Department of Health and Environmental Sciences, testified in favor of House Bill 517.

Cathy Campbell, representing Mr. Bob Johnson, Administrator of the Division of Comprehensive Health Planning in the Department of Health and Environmental Sciences and the Governor's Advisory Council for Comprehensive Health Planning, spoke as a proponent to the bill. (See Attachment 1).

Mr. Rod Gudgel, from the Montana Nursing Home Association, spoke in favor of the bill and left a scale showing a proportion of home health agencies throughout the state. (See Attachment 2).

Dan Dierdahl, also from the Montana Nursing Home Association, was also in favor of the bill.

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

March 22, 1975

The twenty-seventh meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Norman on the above date in Room 405 of the State Capitol Building at approximately 11:00 a.m.

ROLL CALL: All members were present.

ACTION ON HOUSE BILL NO. 445: Senator Lee moved that HB 445 BE CONCURRED IN. All were in favor of the motion.

ACTION ON HOUSE BILL NO. 63: Senator Lee moved HB 63 BE CONCURRED IN. There was some question as to the penalty provided in the bill.

ACTION ON HOUSE BILL NO. 592: Senator Blaylock moved that this bill BE NOT CONCURRED IN. All were in favor of the motion.

ACTION ON HOUSE BILL NO. 460: It was moved by Senator Blaylock that HB 460 be amended as per Standing Committee Report. (Clean-up amendments). This was approved unanimously. Senator Blaylock then moved that HB 460 BE CONCURRED IN, AS AMENDED. Senators Himsl, Olson and Stephens voted against the bill with the remainder voting for.

ACTION ON HOUSE BILL NO. 434: Senator Himsl moved that the material which had been stricken by the House on page 1, line 25 and page 2, line 1 be reinserted to include dental services. They also questioned the role of Medicaide and Medicare in this bill.

Senator Colberg moved HB 434 BE CONCURRED IN AS AMENDED. All but Senators Olson and Blaylock were in favor of the motion.

ACTION ON HOUSE BILL NO. 519: It was moved by Senator Lee that HB 519 BE CONCURRED IN AS AMENDED. (See Attached Standing Committee Report for amendments) All were in favor of the motion.

ADJOURN: The meeting was then adjourned at 1:00 p.m.

Bill Norman
BILL NORMAN, CHAIRMAN

BN:vm

STANDING COMMITTEE REPORT

March 22 19 75

MR. PRESIDENT

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE Bill No. 434

Respectfully report as follows: That HOUSE Bill No. 434

third reading bill (blue), be amended as follows:

1. Amend page 2, section 1, line 1.
Following: "association"
Insert: "and dental services as approved by the dental association"

AND AS SO AMENDED, BE CONCURRED IN

BY:

BILL HOGGAN, Chairman.

STATE PUB. CO.
Helena, Mont.

HOUSE BILL NO. 434

INTRODUCED BY LORY, ELLIS

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 71-308, R.C.M. 1947, AUTHORIZING THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO PROMULGATE RULES GOVERNING MEDICAL AID AND HOSPITALIZATION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 71-308, R.C.M. 1947, is amended to read as follows:

"71-308. Medical aid and hospitalization. (1) Medical aid and hospitalization for nonresidents within the county and county residents unable to provide such necessities for themselves are the legal and financial duty and responsibility of the board of county commissioners, except as otherwise provided in other parts of this act, payable from the county poor fund. The board of county commissioners shall make provisions for competent and skilled medical or surgical services as approved by the department of health and environmental sciences or the state medical association, or in the case of osteopathic practitioners by the state osteopathic association or chiropractors by the state chiropractic association, or optometrical services as approved by the Montana optometric association~~,-and-dental-services-as-approved-by-the-dental--association~~ AND DENTAL SERVICES AS APPROVED BY THE DENTAL ASSOCIATION. "Medical" or "medicine" as used in this act refers to the healing art as practiced by licensed practitioners.

(2) The board, in arranging for medical care for those unable to provide it for themselves, may have the care provided by the physicians appointed by the board who shall be known as county physicians or deputy county physicians, and may fix a rate of compensation for the furnishing of the medical attendance.

(3) The board of county commissioners shall make suitable arrangements to provide respectable burial for nonresidents within the county and county residents for whom such expenses are not otherwise available.

(4) The department of social and rehabilitation services may promulgate rules to determine under what circumstances persons in the county are unable to provide medical aid and hospitalization for themselves, including the power to define the term "medically needy". Provided, however, such definition may not allow payment by a county for general assistance-medical for persons whose income exceeds three hundred percent (300%) of the limitation for obtaining regular county general assistance.

(5) In any case where the county or state pays medical expenses or hospitalization for an individual, the county or

REFERENCE BILL

state is subrogated to the claims of the physician or hospital to the extent of payment.*

-End-